

Message Text

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ORIGIN EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

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FAA - MR. JETT (DRAFT)

EUR/ CE - MR. TRINKA

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FM SECSTATE WASHDC

TO AMEMBASSY VIENNA

UNCLAS STATE 111375

E. O. 11652: N/ A

TAGS: ETRN, AU

SUBJECT: CIVAIR - VOYAGER 1000 FLIGHTS

REF : VIENNA 4600

1. EMBASSY MAY USE FOLLOWING IN LETTER TO AUSTRIAN
AVIATION AUTHORITIES:

" IN REFERENCE TO YOUR CONSIDERATION OF THE REQUEST
BY THE AIR TRAVEL CLUB VOYAGER 1000 FOR PERMISSION TO
LAND AT SALZBURG, THE FOLLOWING INFORMATION IS PROVIDED.

AIR TRAVEL CLUBS IN THE UNITED STATES ARE
CERTIFICATED BY THE FEDERAL AVIATION ADMINISTRATION UNDER
PART 123 OF THE FEDERAL AVIATION REGULATIONS. THE CIVIL
AERONAUTICS BOARD HAS GENERALLY CONSIDERED THAT AIR
TRAVEL CLUBS DO NOT REQUIRE CAB OPERATING AUTHORIZATION
SINCE THEY ARE NOT AUTHORIZED TO ENGAGE IN AIR TRANSPOR-
TATION AS COMMON CARRIERS BY THE NATURE OF THEIR FAA
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CERTIFICATES. COMMON CARRIAGE, ESSENTIALLY, IS THE HOLDING OUT OF SERVICES TO THE PUBLIC FOR COMPENSATION OR HIRE.

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RECENTLY, HOWEVER, THE CAB' S BUREAU OF ENFORCEMENT HAS INITIATED LITIGATION AGAINST SEVERAL AIR TRAVEL CLUBS CONTENDING THAT THEY ARE, IN FACT, OPERATING AS COMMON CARRIERS. IN THIS REGARD, BASED ON AN INVESTIGATION OF VOYAGER 1000' S OPERATIONS, THE CIVIL AERONAUTICS BOARD ISSUED AN ORDER, MARCH 1, 1973, WHICH FOUND VOYAGER 1000 TO BE ENGAGED IN COMMON CARRIAGE WITHOUT REQUISITE BOARD AUTHORITY AND ORDERED THE CLUB TO CEASE AND DESIST FROM VIOLATING THE FEDERAL AVIATION ACT OF 1958. SUBSEQUENTLY, THE EFFECTIVENESS OF THE CAB' S ORDER WAS STAYED BY ORDER OF THE UNITED STATES CIRCUIT COURT OF APPEALS AT CHICAGO PENDING A DECISION BY THAT COURT ON THE MERITS OF THE CAB ORDER. ARGUMENTS ARE CURRENTLY BEING PRESENTED BEFORE THE CIRCUIT COURT. A DECISION IS EXPECTED IN LATE AUGUST OR SEPTEMBER OF THIS YEAR.

PENDING A FINAL RESOLUTION OF THE MATTER IN THE COURTS, THE US GOVERNMENT IS NOT IN A POSITION TO PROHIBIT THE OPERATION OF THE FLIGHTS TO SALZBURG PROPOSED BY VOYAGER 1000.

WE HOPE THAT THE FOREGOING WILL BE HELPFUL IN YOUR CONSIDERATION OF VOYAGER 1000' S PROPOSAL." RUSH

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*** Current Handling Restrictions *** n/a

*** Current Classification *** UNCLASSIFIED

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